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IN THE MATTER OF
THE COUNT OF THE ELECTORAL VOTES
OF LOUISIANA.

1877.

I.

We offer to prove that William P. Kellogg, who certifies, as Governor of the State of Louisiana, to the appointment of electors of that State, which certificate is now before this Commission, is the same William P. Kellogg who, by said certificate, was certified to have been appointed one of said electors. In other words, that Kellogg certified his own appointment as such elector.

2. That said Kellogg was Governor *de facto* of said State during all the months of November and December, A. D. 1876.

CONSTITUTION OF LOUISIANA.

“ART. 117. No person shall hold or exercise at the same time more than one office of trust or profit, except that of justice of the peace or notary public.”

II.

We offer to prove that said William P. Kellogg was not duly appointed one of the electors of said State in A. D. 1876, and that the certificate is untrue in fact.

To show this we offer to prove—

(1) By certified copies of the *lists* made out, signed, and sworn to by the commissioners of election in each poll and voting place in the State, and delivered by said commis-

sioners to the clerk of the District Court wherein said polls were established, except in the parish of Orleans, and in that parish delivered to the Secretary of State; that at the election for electors in the State of Louisiana, on the 7th day of November last, the said William P. Kellogg received for elector six thousand three hundred votes less than were at said election cast for each and every of the following-named persons, that is to say: John McEnery, R. C. Wickliffe, L. St. Martin, E. P. Poche, A. De Blanc, W. A. Seay, R. G. Cobb, K. A. Cross.

(Sec. 43, act 1872.)

(2) In connection with the certified copies of said lists we offer to prove that the Returning Board, which pretended to canvass the said election under the Act approved November 20, 1872, did not receive from any poll, voting-place, or parish in said State, nor have before them, any statement of any supervisor of registration or commissioner of election in form as required by section 26 of said Act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences which prevented or tended to prevent a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting-place.

(3) We further offer to show that in many instances the supervisors of registration of the several parishes willfully and fraudulently omitted from their consolidated statement, returned by them to the State Returning Board, the result and all mention of the votes given at certain polls or voting-places within their respective parishes, as shown to them by the returns and papers returned to said supervisors by the commissioners of election, as required by law; and that in consequence of this omission the said consolidated statements on their face, omitted of majorities against the said Kellogg, and in favor of each and every the said McEnery, Wickliffe, St. Martin, Poche, DeBlanc, Seay, Cobb, and Cross, amounting to 2,267, but that said super-

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visors of registration did, as by law required, return to the said Returning Board, with their consolidated statements, the lists, papers, and returns received by them according to law from the commissioners of election at the several polls and voting places omitted as aforesaid from said consolidated statements of said supervisors.

And that the said Returning Board willfully and fraudulently neglected and refused to make any canvass of the majorities so omitted or estimate them in any way in their pretended determination that the said Kellogg was duly elected an elector at the election aforesaid.

(4) We offer to show that by the consolidated statements returned to said Returning Board by the supervisors of registration of the several parishes of the State of the result of the voting at the several polls or voting places within their parishes respectively, it appeared that said Kellogg received at said election 3,459 less votes for elector than the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross, and each and every of them.

(5) We further offer to show that the said Returning Board willfully and fraudulently estimated and counted as votes in favor of said Kellogg two hundred and thirty-four (234) votes which were not shown to have been given at any poll or voting place in said State, either by any consolidated statement returned to said Returning Board by any of the said supervisors, nor by the statements, lists, tally-sheets, or returns made by any commissioners of election to any of said supervisors, or which were before said Returning Board.

(6) We offer to prove that the votes cast and given at said election on the 7th November last for the election of electors, as shown by the return made by the commissioners of election from the several polls or voting places in said State, have never been compiled nor canvassed; and that the said Returning Board never even pretended to compile or canvass the returns made by said commissioners of

election, but that said Returning Board only pretended to canvass the returns made by the said supervisor.

Act of 1872, sec. 43: "Supervisor must forward."

" " " 2: "Board must canvass."

(7) We offer to prove that the votes given for electors at the election of November 7th last at the several voting places or polls in said State have never been opened by the Governor of the said State in presence of the Secretary of State, the Attorney General, and a district judge of the district in which the seat of government was established, nor in the presence of any of them; nor has the Governor of said State ever, in presence as aforesaid, examined the returns of the commissioners of election for said election to ascertain therefrom, nor has he ever, in such presence, ascertained therefrom, the persons who were, or whether any one was, duly elected electors, or elector, at said election; nor has he ever pretended so to do. (Rev. Stat., sec. 2826.)

(8) We further offer to prove—

That the said William P. Kellogg, Governor as aforesaid, when he made, executed, and delivered the said certificate, by which he certified that himself and others had been duly appointed electors as aforesaid, well knew that said certificate was untrue in fact in that behalf, and that he, the said Kellogg, then well knew that he, the said Kellogg, had not received, of the legal votes cast at the election of November 7, 1876, for electors, within five thousand of as many of such votes as had at said election been cast and given for each and every of the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross; and that he, the said Kellogg, when he made and executed the aforesaid certificate, well knew that of the legal votes cast at the popular election held in the State of Louisiana on the 7th day of November last, for the election of electors in said State, as shown by the lists, returns, and papers sent, according to law, by the commissioners of election, who presided over and conducted the said election at the

several polls and voting places in said State, to the supervisors of registration, and as shown by the said lists, returns, papers, and ballots deposited by said commissioners of election in the office of the clerks of the District Courts, except the parish of Orleans, and deposited for the parish of Orleans in the office of Secretary of State, according to law; that each and every the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross had received more than five thousand of the legal votes cast at said election for electors, more than had been cast and given at said election for the said Kellogg as elector, and that the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross had been thus and thereby duly appointed electors for said State in the manner directed by the Legislature of said State.

(9) We further offer to prove—

That at the city of New Orleans, in the State of Louisiana, in the month of October, A. D. 1876, the said William P. Kellogg, J. H. Burch, Peter Joseph, L. A. Sheldon, Morris Marks, A. B. Levisee, O. H. Brewster, Oscar Joffrion, S. B. Packard, John Ray, Frank Morey, Hugh J. Campbell, D. J. M. A. Jewett, H. C. Dibble, Michael Hahn, B. P. Blanchard, J. R. G. Pitkin, J. Madison Wells, Thomas C. Anderson, G. Casanave, L. M. Kenner, George P. Davis, W. L. Catlin, C. C. Nash, George L. Smith, Isadore McCormick, and others entered into an unlawful and criminal combination and conspiracy to and with each other, and each to and with each of the others, to cause it to be certified and returned to the Secretary of State, by the Returning Board of said State, upon their pretended compilation and canvass of the election for electors to be thereafter held on the 7th day of November, A. D. 1876, that the said Kellogg, Burch, Joseph, Sheldon, Marks, Levisee, Brewster, and Joffrion had received a majority of all votes given and cast at said election for electors, whether such should be the fact or not; and

That afterwards, to wit, on the 17th day of November,

A. D. 1876, after said election had been held, and it was well known to all of said conspirators that said Kellogg and others had not been elected at said election, but had been defeated, and their opponents had been elected at said election, the said Returning Board assembled at the city of New Orleans, the seat of government of said State, to pretend to compile and canvass the statement of votes made by the commissioners of election from the several polls and voting places in said State for presidential electors, and make returns of said election to the Secretary of State, as required by an act of the Legislature of that State, approved November 20, 1872; that when said Returning Board so assembled, said Wells, said Anderson, said Kenner, and said Casanave, who were all members of one political party, to wit, the Republican party, were the only members of said board; there being one vacancy in said board, which vacancy it was the duty of said Wells, said Anderson, said Kenner, and said Casanave, as members of said board, to fill, then and there, by the election or appointment of some person belonging to some other political party than the Republican party; but that the said Wells, Anderson, Kenner, and Casanave, then and there, *in pursuance of said unlawful and criminal combination aforesaid*, then and there neglected and refused to fill said vacancy, for the reason, as assigned by them, that they did not wish to have a Democrat to watch the proceedings of said board; and that although frequently during the session of said board, assembled for the purpose aforesaid, they, the said Wells, Anderson, Kenner, and Casanave, were duly, and in writing, requested by said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross to fill said vacancy, they refused to do so, and never did fill the same, but proceeded, as such board, in pursuance of said combination and conspiracy, to make a pretended compilation and canvass of said election without filling the vacancy in said Returning Board; and,

That said Wells, Anderson, Kenner, and Casanave, while

pretending to be in session as a Returning Board for the purpose of compiling and canvassing the said election, and in pursuance of said combination and conspiracy, employed persons of notoriously bad character to act as their clerks and assistants, to wit, one Davis, a man of notoriously bad character, who was then under indictment in the criminal courts of Louisiana, and said Catlin, said Blanchard, and said Jewett, three of said conspirators, who were then under indictment for subornation of perjury in the criminal courts of Louisiana; the said Jewett being also under indictment in one of the criminal courts of Louisiana for obtaining money under false pretenses; and Isadore McCormick, who was then under indictment in a criminal court of said State charged with murder.

And that, in pursuance of said unlawful combination and conspiracy aforesaid, the *said* Wells, Anderson, Kenner, and Casanave, acting in said Returning Board, confided to their said clerks and employees, said co-conspirators, the duty of compiling and canvassing all returns which were by said Returning Board ordered to be canvassed and compiled; and although thereto particularly requested by a communication as follows:

*“ To the honorable Returning Board
of the State of Louisiana:*

GENTLEMEN: The undersigned, acting as counsel for the various candidates upon the Democratic conservative ticket, State, national and municipal, with respect show:

That the returns from various polls and parishes are inspected by this board and the vote announced by it is merely that for Governor and electors;

That the tabulation of all other votes is turned over to a corps of clerks, to be done outside of the presence of this board;

That all of said clerks are Republicans, and that the Democratic conservative candidates have no check upon them, and no means to detect errors and fraudulent tabulations, or to call the attention of this board to any such wrong, if any exist;

That by this system the fate of all other candidates but Governor and electors is placed in the hands of a body of

Republican clerks with no check against erroneous or dishonest action on their part;

That fair play requires that some check should be placed upon said clerks, and some protection afforded to the said candidates against error or dishonest action on the part of said clerks:

Wherefore they respectfully ask that they be permitted to name three respectable persons, and that to such parties be accorded the privilege of being present in the room or rooms where said tabulation is progressing, and of inspecting the tabulation and comparing the same with the returns, and also of fully inspecting the returns, and previous to the adoption by this board of said tabulation, with a view to satisfy all parties that there has been no tampering or unfair practice in connection therewith.

Very respectfully,

F. C. ZACHARIE,
CHARLES CAVANAC,
E. A. BURKE,
J. R. ALCEE GAUTHREAU,
HENRY C. BROWN,
FRANK McGLOIN.

I concur herein.

H. M. SPOFFORD, of counsel; "

They, the said Wells, Anderson, Kenner, and Casanave, acting as said board, expressly refused to permit any Democrat, or any person selected by Democrats, to be present with said clerks and assistants while they were engaged in the compilation and canvass aforesaid, or to examine into the correctness of the compilation and canvass made by said clerks and assistants as aforesaid.

And that said Returning Board, in pursuance of said unlawful combination and conspiracy aforesaid, and for the purpose of concealing the *animus* of said board and inspiring confidence in the public mind in the integrity of their proceedings, on the 18th day of November, A. D. 1876, adopted and passed a preamble and resolution, as follows :

"Whereas this board has learned with satisfaction that distinguished gentlemen of national reputation, from other States, some at the request of the President of the United

States and some at the request of the National Executive Committee of the Democratic party, are present in this city, with the view to witness the proceedings of this board in canvassing and compiling the returns of the recent election in this State for presidential electors, in order that the public opinion of the country may be satisfied as to the truth of the result and the fairness of the means by which it may have been attained; and

“Whereas this board recognizes the importance which may attach to the result of their proceedings, and that the public mind should be convinced of its justice by a knowledge of the facts on which it may be based: therefore be it

“Resolved, That this board does hereby cordially invite and request five gentlemen from each of the two bodies named, to be selected by themselves respectively, to attend and be present at the meetings of this board while engaged in the discharge of its duties, under the law, in canvassing and compiling the returns and ascertaining and declaring the result of said election for presidential electors, in their capacity as private citizens of eminent reputation and high character, and as spectators and witnesses of the proceedings in that behalf, of this board.”

But that said Returning Board, being convinced that a compilation and canvass of votes given at said election for presidential electors, made fairly and openly, would result in defeating the object of said conspiracy, and compelling said Returning Board to certify that said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross had been at said election duly chosen, elected, and appointed electors by the said State of Louisiana; and, in pursuance of said unlawful combination and conspiracy, did afterwards, to wit, on the 20th day of November, A. D. 1876, adopt and pass the following rules for the better execution and carrying into effect said combination and conspiracy—that is to say:

“VII.

“The returning officers, if they think it advisable, may go into secret session to consider any motion, argument or proposition which may be presented to them; any member shall have the right to call for secret session for the above purpose.”

“X.

“ That the evidence for each contested poll in any parish, when concluded, shall be laid aside until all the evidence is in from all the contested polls in the several parishes where there may be contests, and after the evidence is all in the returning officers will decide the several contests in secret session; the parties or their attorneys to be allowed to submit briefs or written arguments up to the time fixed for the returning officers going into secret session, after which no additional argument to be received unless by special consent.”

That the proceedings thus directed to be had in secret were protested against by the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross; but said board thereafter proceeded and pretended to complete their duties as such Returning Board; and did perform, execute, and carry out the most important duties devolving upon said board *in secret*, with closed doors, and in the absence of any member of their board belonging to the Democratic party or any person whatever not a member of said board not belonging to the Republican party.

That the said Wells, Anderson, Kenner, and Casanave, acting as said Returning Board, while engaged in the compilation and canvass aforesaid, were applied to to permit the United States supervisors of election, duly appointed and qualified as such, to be present at and witness such compilation or canvass.

That application was made to said Returning Board in that behalf as follows:

“ *To the President and Members
of the Returning Board of the State of Louisiana :*

“ **GENTLEMEN:** The undersigned, of counsel for United States supervisors of election, duly appointed and qualified as such, do hereby except, protest and object to any ruling made this 20th day of November, 1876, or that hereafter may be made, whereby they are deprived of the right of being present during the entire canvass and compilation of the results of the election lately held in the State of Louisiana, wherein elections for President and Vice Presi-

dent, and members of the Forty-fifth Congress were balloted for, and the result of which said board are now canvassing.

"That under the 5th section of the United States act of February 28, 1871, they are "to be and remain where the ballot-boxes are kept, at all times after the polls are open, until each and every vote cast at said time and place shall be counted, and the canvass of all votes polled to be wholly completed, and the proper and requisite certificate or returns made, whether said certificate or returns be required under any law of the United States, or any State, territorial or municipal law.

"That under said law of the United States District Attorney J. R. Beckwith, under date of October 30, 1872, gave his written official opinion for the instruction and guidance of persons holding the office now held by protestants, wherein said United States District Attorney said:

"It cannot be doubted that the duty of the supervisors extends to the inspection of the entire election from its commencement until the decision of its result. If the United States statutes were less explicit there still could be no doubt of the duty and authority of the supervisors to inspect and canvass every vote cast for each and every candidate, State, parochial, and Federal, as the law of the State neither provides nor allows any separation of the election for Representatives in Congress, &c., from the election of State and parish officers. The election is in law a single election, and the power of inspection vested in law in the supervisors appointed by the court extends to the entire election, a full knowledge of which may well become necessary to defeat fraud.

"In which opinion the Attorney General of the State of Louisiana coincided. Whereupon protestants claim admittance of board to amend their rules by making them all open sessions, with leave to a reasonable number of citizens of the State directly interested, or their counsel, and of press reporters to attend, which would furnish the best guarantee possible against the consummation of fraud and the perversion of the popular will. The undersigned respectfully asks that the foregoing protest be entered upon the minutes of the board.

HENRY M. SPOFFORD, *of Counsel.*"

But that said Wells, Anderson, Kenner, and Casanave, acting as such Returning Board, in further pursuance and execution of said unlawful combination and conspiracy,

then and there refused to permit said United States commissioners of election to be present for the purpose aforesaid, but proceeded in their absence to the pretended compilation and canvass aforesaid.

That the said Returning Board, while in session as aforesaid, for the purpose aforesaid, to wit, on the 20th day of November, 1876, adopted the following rule to govern their proceedings ; that is to say :

“ IX.

“ No *ex parte* affidavits or statements shall be received in evidence, except as a basis to show that such fraud, intimidation, or other illegal practice had at some poll requires investigation; but the returns and affidavits authorized by law, made by officers of election, or in verification of statements as required by law, shall be received in evidence as *prima facie*.”

But that said board subsequently, while sitting as aforesaid, for the purposes aforesaid, having become convinced that they could not, upon other than *ex parte* testimony, so manipulate the said compilation and canvass as to declare that said Kellogg, Burch, Joseph, Sheldon, Marks, Levisee, Brewster, and Joffrion were elected electors at said election, and in further pursuance of said unlawful combination and conspiracy did subsequently modify said rule, and declare and decide that, as such Returning Board, they would receive *ex parte* affidavits, under which last decision of said board over two hundred printed pages of *ex parte* testimony was received by said board in favor of said Kellogg and others ; and afterwards, when the said McEnery and others offered *ex parte* evidence to contradict the *ex parte* evidence aforesaid, the said Returning Board reversed its last decision, and refused to receive *ex parte* affidavits, in contradiction as aforesaid.

And that in pursuance of said unlawful combination and conspiracy the said Returning Board, in violation of a law of said State, approved November 20, 1872, neglected and refused to compile and canvass the statement of votes

made by the commissioners of election which were before them according to law for canvass and compilation as aforesaid in regard to the election of presidential electors, but that said board did, in pursuance and further execution of said combination and conspiracy, canvass and compile only the consolidated statements and returns made to them by the supervisors of registration of the several parishes of said State.

And that said Returning Board, in pursuance and further execution of said unlawful combination and conspiracy, did knowingly, willfully, and fraudulently refuse to compile and canvass the votes given for electors at said election in more than twenty parishes of said State, as was shown and appeared by and upon the consolidated statement and return made to them by said supervisors of said parishes.

And that said Returning Board did, in said canvass and compilation, count and estimate, as a foundation for their determination in the premises, hundreds of votes which had not been returned and certified to them either by the commissioners of election in said State or by the supervisors of registration in said State, they, the said members of said board, then and there well knowing that they had no right or authority to estimate the same for the purpose aforesaid.

And that said Returning Board, in further pursuance and execution of said unlawful combination and conspiracy, knowingly, willfully, falsely, and fraudulently did make a certificate and return to the Secretary of State that said Kellogg, Burch, Joseph, Sheldon, Marks, Levisee, Brewster, and Joffrion had received majorities of all the legal votes cast at said election of November 7, 1876, for presidential electors, they then and there well knowing that the said McEnery, Wickliffe, St. Martin, Poche, De Blanc, Seay, Cobb, and Cross had received majorities of all the votes cast at said election for presidential electors, and were duly elected as the presidential electors of said State.

And that the said Returning Board, in making said statement, certificate, and return to the Secretary of State,

were not deceived nor mistaken in the premises, but knowingly, willfully, and fraudulently made what they well knew when they made it was a false and fraudulent statement, certificate, and return; and that the said false and fraudulent statement, certificate, and return, made by said Returning Board to the Secretary of State in that behalf, was made by the members of said Returning Board in pursuance and execution of, — and only in pursuance and execution of, — said unlawful combination and conspiracy.

And that said Returning Board, while in session as aforesaid, for the purpose aforesaid, in further pursuance and execution of said unlawful combination and conspiracy, did alter, change, and forge, or cause to be altered, changed, and forged, the consolidated statement and return of the supervisor of registration for the parish of Vernon, in said State, in the manner following, to wit: The said consolidated statement, as made and returned to said Board, showed that, of the legal votes given in said parish for electors, at said election of November 7, 1876, said McEnery received 647, said Wickliffe received 647, said St. Martin received 647, said Poche received 647, said De Blanc received 647, said Seay received 647, said Cobb received 647, said Cross received 647; and that said Kellogg received none, said Birch received none, said Joseph received 2, said Brewster received 2, said Marks received 2, said Levisee received 2, said Joffrion received 2, said Sheldon received 2; and said Board altered, changed, and forged, or caused to be altered, changed, and forged, said consolidated statement so as to make the same falsely and fraudulently show, that the said McEnery received 469, said Wickliffe received 469, said St. Martin received 469, said Poche received 469, said De Blanc received 469, said Seay received 469, said Cobb received 469, said Cross received 469. And that said Kellogg received 178, said Burch received 178, said Joseph received 178, said Sheldon received 180, said Marks received 180, said Levisee received 180, said

Brewster received 180, said Joffrion received 180; and that said Returning Board, while in session as aforesaid for the purpose aforesaid, to pretend to justify the alteration and forgery of said consolidated statement, procured and pretended to act upon three forged affidavits, purporting to have been made and sworn to by Samuel Carter, Thomas Brown, and Samuel Collins. They, the said members of said Returning Board, then and there, well knowing that said pretended affidavits were false and forged, and that no such persons were in existence as purported to make said affidavits. And that said members of said Returning Board, acting as said board, in pursuance and execution of said unlawful combination and conspiracy, did, in their pretended canvass and compilation of the legal votes given at said election, on the 7th day of November, A. D. 1876, for presidential electors in said State of Louisiana, as shown to them by the statements, papers, and returns made according to law by the commissioners of election presiding over and conducting said election at the several polls and voting places in said State, all of which votes were legally cast by legal voters in said State, at said election; knowingly, willfully and fraudulently, and without any authority of law whatever, excluded and refused to count and estimate, or compile or canvass, votes given at said election for electors, as follows: Which papers, statements, and returns were before them, and which it was their duty by law to compile and canvass, that is to say, for said John McEnery, 10,280; for said R. C. Wickliffe, 10,293; for said L. St. Martin, 10,291; for said F. P. Poche, 10,280; for said A. De Blanc, 10, 289; for said W. A. Seay, 10,291; for said R. A. Cobb, 10,261; for said K. A. Cross, 10,288.

They, the said members of said Returning Board, then and there, well knowing that all of said votes, which they neglected and refused to canvass and compile had been duly and legally cast at said election for presidential electors by legal voters of said State; and then and there well knowing that had they considered, estimated and counted,

compiled and canvassed said votes, as they then and there well knew it was their duty to do it would have appeared, and they would have been compelled to certify and return to the Secretary of State that said Kellogg had not been duly elected or appointed an elector for said State; but that at said election the said McEnery, the said Wickliffe, the said St. Martin, the said Poche, the said De Blanc, the said Seay, the said Cobb, and the said Cross had been duly elected and appointed presidential electors in said State.

And that by said false, fraudulent, willful, and corrupt acts and omissions to act by said Returning Board as aforesaid in the matter aforesaid, and by said nonfeasance, misfeasance, and malfeasance of said Returning Board, as hereinbefore mentioned, the said Returning Board made to the Secretary of State of said State the statement, certificate, and return upon which the said Kellogg, as *de facto* Governor of said State, pretended to make his said false certificate, certifying that himself and others had been duly appointed electors for said State, as hereinbefore mentioned; and that said statement, certificate, and return made by said Returning Board, and that the said certificate made by the said Kellogg, as *de facto* Governor, each, every, and all were made in pursuance and execution of said unlawful and criminal combination and conspiracy, as was well known to and intended by each and every of the members of said Returning Board when they made their said false statement, certificate, and return to the Secretary of State of said State, and by the said Kellogg when, as Governor *de facto* of said State, he made his said false certificate hereinbefore mentioned.

III.

We further offer to prove that the said Wells, Anderson, Kenner, and Casanave, members of said Returning Board, each received a bribe, in consideration of which they undertook to and did knowingly, willfully, fraudulently, and corruptly make their said false and fraudulent certificate and return to the Secretary of State of the State of Louisi-

ana; that the said Kellogg, said Burch, said Joseph, said Sheldon, said Marks, said Levisee, said Brewster, and said Joffrion had received a majority of the legal votes cast at said election for presidential electors, in opposition of what each and every of the members of said Returning Board, when they made said statement certificate a return, well knew the fact to be.

IV.

We further offer to prove—

That Oscar Joffrion was on the 7th day of November, A. D. 1876, supervisor of registration of the parish of Point Coupee, and that he acted and officiated as such supervisor of registration for said parish at the said election for presidential electors on that day; and that he is the same person who acted as one of the electors for said State, and on the 6th day of December, A. D. 1876, as an elector cast a vote for Rutherford B. Hayes for President of the United States and for William A. Wheeler for Vice President of the United States.

V.

We further offer to prove—

That on the 7th day of November, A. D. 1876, A. B. Levisee, who was one of the pretended college of electors of the State of Louisiana, and who in said college gave a vote for Rutherford B. Hayes for President of the United States and for William A. Wheeler for Vice President of the United States, was at the time of such election a court commissioner of the Circuit Court of the United States for the district of Louisiana; which is an office of honor, profit, and trust under the Government of the United States.

VI.

We further offer to prove—

That on the 7th day of November, A. D. 1876, O. H. Brewster, who was one of the pretended electors in the pretended college of electors of the State of Louisiana,

and who in said college gave a vote for Rutherford B. Hayes for President of the United States and for William A. Wheeler for Vice President of the United States, was at the time of such election as aforesaid holding an office of honor, profit, and trust under the Government of the United States, to wit: the office of Surveyor General of the Land Office for the district of Louisiana.

VII.

We further offer to prove—

That on the 7th day of November, 1876, Morris Marks, one of the pretended electors, who in said college of electors cast a vote for Rutherford B. Hays for President of the United States and a vote for William A. Wheeler for Vice President of the United States, was, ever since, has been, *and now is*, holding and exercising the office of district attorney of the fourth judicial district of said State, and receiving the salary by law attached to said office.

VIII.

We further offer to prove—

That on the 7th day of November, A. D. 1876, J. Henri Burch, who was one of the pretended electors who in said pretended electoral college gave a vote for Rutherford B. Hays for President of the United States and a vote for William A. Wheeler for Vice President of the United States, was holding the following offices under the Constitution and laws of said State; that is to say, member of the Board of Control of the State Penitentiary, also administrator of Deaf and Dumb Asylum of said State, to both of which offices he had been appointed by the Governor with the advice and consent of the Senate of said State, both being offices with salaries fixed by law, and also the office of treasurer of the Parish School Board for the parish of East Baton Rouge; and that said Burch, ever since the said 7th day of November, (and prior thereto,) has exercised and still is exercising the functions of all said offices and receiving the emoluments thereof.



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